

January 13, 2010

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TOWN OF NEW WINDSOR

PLANNING BOARD

JANUARY 13, 2010

MEMBERS PRESENT: JERRY ARGENIO, CHAIRMAN
HENRY VAN LEEUWEN
HOWARD BROWN
DANIEL GALLAGHER
HENRY SCHEIBLE

ALSO PRESENT: MARK EDSALL, P.E.
PLANNING BOARD ENGINEER

JENNIFER GALLAGHER
BUILDING INSPECTOR

NICOLE JULIAN
PLANNING BOARD SECRETARY

DOMINIC CORDISCO, ESQ.
PLANNING BOARD ATTORNEY

ABSENT: NEIL SCHLESINGER

REGULAR_MEETING

MR. ARGENIO: I'd like to call the January 13, 2010
meeting of the New Windsor Planning Board to order.
Please stand for the Pledge of Allegiance.

(Whereupon, the Pledge of Allegiance was
recited.)

MR. ARGENIO: We have our executive session, this is our reorganization meeting and I was nominated to sit again as chairman, it was seconded and unanimous vote in the affirmative. Henry Van Leeuwen was nominated to serve as vice chairman, there was a second and it was a unanimous vote in the affirmative. Neil Schlesinger was nominated for secretary, motion was seconded and there was a unanimous vote. He will stand as secretary. And the same with Dan Gallagher who will serve as sergeant at arms. That said, I'll accept a motion that we retain the services of Mr. Cordisco as our attorney for the following year.

MR. GALLAGHER: So moved.

MR. BROWN: Second it.

ROLL CALL

MR. GALLAGHER	AYE
MR. SCHEIBLE	AYE
MR. BROWN	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Motion has been made and seconded that we retain the firm of Drake Loeb for the legal services for the following year. Accept a motion that we keep McGoey, Hauser and Edsall as our engineering consultant.

MR. SCHEIBLE: So moved.

MR. BROWN: Second it.

MR. ARGENIO: Motion has been made and seconded.

ROLL CALL

MR. GALLAGHER	AYE
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MR. SCHEIBLE AYE
MR. BROWN AYE
MR. VAN LEEUWEN AYE
MR. ARGENIO AYE.

MR. ARGENIO: Same for Miss Roth, anybody make a motion that we retain her services?

MR. VAN LEEUWEN: So moved.

MR. BROWN: Second it.

MR. ARGENIO: Motion has been made and seconded we retain the services of Fran as stenographer for 2010.

ROLL CALL

MR. GALLAGHER AYE
MR. SCHEIBLE AYE
MR. BROWN AYE
MR. VAN LEEUWEN AYE
MR. ARGENIO AYE

MR. ARGENIO: Did I miss anything?

MR. CORDISCO: No, sir.

MR. ARGENIO: We're going to keep you too, Jen. Everybody has a copy of the schedule for the year? Please take a look at it, we'll vote on it at the next meeting. We're going to get right down to business.

APPROVAL_OF_MINUTES_DATED_11/18/29

MR. ARGENIO: The first regular item on tonight's agenda is approval of the minutes dated November 18 and sent out via e-mail on the 14th of December. Anybody sees fit, I'll accept a motion we accept them as written.

MR. VAN LEEUWEN: So moved.

MR. SCHEIBLE: Second it.

MR. ARGENIO: Motion has been made and seconded we accept them as written.

ROLL CALL

MR. GALLAGHER	AYE
MR. SCHEIBLE	AYE
MR. BROWN	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

REGULAR_ITEMS:

RUTHIE'S_SOUL_FOOD_RESTAURANT_SITE_PLAN_(07-26)

MR. ARGENIO: The first regular item is Ruthie's Soul Food Restaurant on Windsor Highway. Somebody here to represent this? This application proposes restaurant and catering operation in the existing building on New York State Route 32. Plan was previously reviewed at the 26 September, 2007 and 28 October, 2009 planning board meeting. Put those plans up. Please give your name to the stenographer and tell us where we're at here.

MR. DENDY: Good evening, my name is David Dendy with Fine and Associates here representing the applicant, Floyd Johnson. And as the chairman said, we were here probably about maybe two months ago, just bring the board up to speed at that time, we had some comments from your consultant and also was circulation to the DOT, I think County Planning and other agencies and during that period waiting for a response from them about the plan and if they had any comments about the plan so we're before the board tonight, let me just give a quick synopsis of the building. Mr. Chairman, the building is located on Route 32 on the west side of 32 almost into the City of Newburgh, it's an existing warehouse facility. What the applicant is proposing to do is take the front section and convert it into a restaurant facility but mostly almost like a buffet style, country style restaurant. The back section is for future expansion once funds and proceeds allowing him to do he'll ultimately expand to the back section. The parking as shown is designed to facilitate the first half of phase one if you so call it of the project and at this point, we want the board's comment and a review and any consulting comments to date to see if there's anything else.

MR. ARGENIO: Mark, I see here 99 seats, is that a

typo?

MR. EDSALL: I believe that's the number.

MR. DENDY: That's correct.

MR. ARGENIO: Does the parking count work for 99 seats?

MR. EDSALL: Yeah.

MR. DENDY: Yes, three parking space.

MR. EDSALL: One per three.

MR. ARGENIO: Okay, go ahead.

MR. EDSALL: They have exactly the spaces for parking for the 99.

MR. DENDY: That's correct.

MR. EDSALL: Just while you ask the question just had indicated that there's a planned expansion just for the record, they should acknowledge that any expansion would require submittal for a site plan amendment cause there are other site improvements that go along with the expansion, we've talked about them.

MR. DENDY: That's correct, this other side of the lot is proposed just for the additional parking expansion, initially, when the board looked at it, it was a full phased development but the applicant scaled back because of costs and economic reasons obviously but like your consultant is saying we'll come back before the board to utilize this additional parking area along with some type of detention pond facility.

MR. ARGENIO: Did we talk about the removal of this existing building?

MR. DENDY: Yes, you did, what we were proposing to do once the building application is sought actually implemented that that will be part of that demolition.

MR. ARGENIO: Let me ask you a question. It says here lot line to be removed, is that part of this application? Because I don't have a subdivision application, I have a site plan application. Mark, can you share that with me?

MR. EDSALL: Well, I believe the original application called for the combination of lots because the improvements did go onto the adjoining property.

MR. CORDISCO: That could be accomplished by a deed merging the two lots.

MR. ARGENIO: We're not talking about that now.

MR. EDSALL: Well, their application still includes the merger of the lots and they are as part of their application indicating that the adjoining house will be removed in the future, if the board cares to tie in a timeframe this is the appropriate time to discuss it with the applicant.

MR. VAN LEEUWEN: Absolutely.

MR. CORDISCO: Right, and whatever the board ultimately decides would be in both conditions, would be conditions of the approval, both the merger of the lots and the demolition of the existing structure.

MR. DENDY: That's right and let me just--

MR. VAN LEEUWEN: Couple of houses they're eyesores.

MR. DENDY: The lot area that we need to utilize for the bulk requirements is necessary for both lots to merge together along with the frontage so in essence

it's necessary to do it.

MR. EDSALL: Yes.

MR. ARGENIO: As part of this application you're extinguishing that lot line?

MR. DENDY: That's correct.

MR. ARGENIO: Your applicant owns both parcels?

MR. DENDY: That's correct.

MR. ARGENIO: And you are as part of this application as well doing the dirt work or the necessary earth work in the back of the lot to accomplish the paved parking as it's shown?

MR. DENDY: That's correct, it would be just limited to this section for now and then when we move into this area it will continue.

MR. ARGENIO: Do you have an easement agreement document for that?

MR. DENDY: For this drainage that's correct, I believe it was sent over to counsel, I'm not sure he received it.

MR. CORDISCO: I have not received it.

MR. EDSALL: We just received copies of it tonight so that would be a condition of approval but now that we've got it just a matter of having it reviewed.

MR. DENDY: That was processed some time ago so we apologize to the board.

MR. VAN LEEUWEN: What kind of food are you going to be serving?

MR. DENDY: Country style which is, I'll let the applicant speak to that.

MR. JOHNSON: We'll pretty much be serving as much southern style food as possible, ribs, chitlins, pork chops, cornbread, collard greens, potato salad, food that's really not out in the market right now, that's our goal is to put country style food out into the market cause it just is not here in this market right now.

MR. ARGENIO: What are your hours of operation?

MR. JOHNSON: We hope to do breakfast, we'll probably be 7 to 9:30.

MR. ARGENIO: So we're certainly not talking about a nightclub environment here, we're talking about--

MR. DENDY: No.

MR. ARGENIO: --breakfast, lunch and dinner job?

MR. JOHNSON: Yes.

MR. VAN LEEUWEN: Are you people going to have a grease trap because we have a lot of problems, not so much in this area?

MR. DENDY: We'll just add to that.

MR. JOHNSON: We have grease traps.

MR. DENDY: The applicant also has proceeded with the Orange County Health Department on kitchen facilities.

MR. JOHNSON: Yes.

MR. ARGENIO: Mark, who governs that type of thing?

MR. EDSALL: The town has a pre-treatment requirement so not only would the health department get involved but CAMO Pollution, the town sewer operators would look at that as part of the building permit process.

MR. ARGENIO: Okay, Dominic, you do now have a copy of the easement?

MR. CORDISCO: Yes, I do, it was in my pile here. I'll review it and respond.

MR. ARGENIO: I want to read this comment that Mark made, as previously noted, no drainage is provided for in the front parking lot. The board should ask the applicant's engineer for an explanation other than it's always been that way, do you have any thoughts on that?

MR. DENDY: I have a response if you want, Mr. Chairman.

MR. ARGENIO: Yes.

MR. DENDY: Presently, this front section is completely macadam, just broken up, it needs to be repaired so presently it drains here, this lower corner and ultimately makes its way down the right-of-way.

MR. ARGENIO: So sheet flows off the pavement?

MR. DENDY: That's correct, what's what it presently does. So the applicant didn't propose any improvements there because it's an existing drainage pattern if you could call it.

MR. ARGENIO: So the water in the back you're going to catch that water in the catch basin in the back of the building?

MR. DENDY: What they presently do now these two catch

basins actually exist so we did some research to find out where they do go and they do go into the state system at some point. So these catch basins will continually drain what's there now, just be more of a paved surface as directed to more a point of discharge.

MR. ARGENIO: Let me ask you this. On the entrance, see the curbs illustrated in bold which kind of would indicate to me that they're going to be replaced, yet it says in the note existing concrete curb. Are you proposing improvements there or not?

MR. DENDY: No, the DOT looked at this since we're not changing anything as far as that, yes, Sibby Zacharia has already been out there to the site, they would prefer a more sweeping geometry, so this existing curb as it exists is going to stay the same due to the fact we're not changing any geometry or any frontage.

MR. ARGENIO: This site has been a problem site, nobody's been able to make this work for quite some time, I hope you can. I want to read this note to you as well, Mr. Dendy. As previously noted, the main sign depicts total sign face 60 square feet which exceeds the code, a variance will be required before the sign can be installed unless somebody tells us otherwise.

MR. DENDY: I'll let the applicant, we did the research on the code so maybe--

MR. ARGENIO: Jen, I'd like you to stay with me on this sign thing.

MR. DENDY: Could be a little miscommunication. The applicant says 64 and I think Mark is saying 62 or 60.

MR. EDSALL: If you add up total both sides it exceeds the code. Question is are you duplicating the existing sign and does that existing sign is it legally there? If it is, you could change the face I'm sure and it

would continue to be the size it is or is it being increased, is it there without benefit of a permit? Those are things that need to be worked out with the building inspector.

MS. GALLAGHER: I have to check.

MR. DENDY: The sign has been dismantled.

MR. JOHNSON: I thought it was a total of 64.

MS. GALLAGHER: The code says 64 square foot freestanding sign total faces.

MR. EDSALL: Both sides.

MR. JOHNSON: So we have 30 and 30, 30 square feet on the front and 30 square feet on the back.

MR. EDSALL: Then I think the dimensions may have to be checked but--

MR. ARGENIO: So, sir, it's your intent to have the sign meet code?

MR. JOHNSON: Yes.

MR. ARGENIO: It's not your intent to come here and look for a variance for a sign with 60 square feet on each face?

MR. JOHNSON: No, total would be 60, 64 square feet. When we researched the sign, we talked to the sign manufacturer, we knew that the total amount of square footage was 64 so we stayed stayed on the 60 so we would not have a problem and have to go into a variance.

MS. GALLAGHER: You'd be fine 60 square feet then you'd be fine.

MR. CORDISCO: That's what's shown on the current plan.

MR. DENDY: That's right.

MR. VAN LEEUWEN: When are you folks planning to tear the old house down next door?

MR. JOHNSON: If things go well, probably get rid of that sometime in April.

MR. VAN LEEUWEN: Okay, if you're gonna tear it down, in other words, you're gonna tear it down before you open?

MR. JOHNSON: I'd like to.

MR. VAN LEEUWEN: How about 30 days upon opening?

MR. JOHNSON: Thirty days?

MR. VAN LEEUWEN: Yeah, cause that--

MR. JOHNSON: After or before?

MR. VAN LEEUWEN: Cause the whole corner is a mess.

MR. ARGENIO: After.

MR. JOHNSON: Yeah, I mean, the house, you know, 20 years of it looking like that it does me no good for it to sit there.

MR. VAN LEEUWEN: I think it will do you more harm than it does good.

MR. JOHNSON: It's horrible, as soon as I can, I mean, I don't want it there either but I didn't want it to become an issue when we were discussing the plans and whatnot by tearing that down beforehand.

MR. CORDISCO: The board is going to require some assurances that there's going to be a timeframe that it's going to be taken down. So it has to be something that satisfies the board and works for you as well but it will be as I envision it if the board approves this project it would be a condition of the approval so you understand it would be something that you'd have to do.

MR. ARGENIO: Nobody's here to break your back certainly but he's speaking correctly.

MR. JOHNSON: So prior to opening can we say 60 days?

MR. ARGENIO: Fine. I like the fact of having a date on it, it would be good to get the eyesore out of there in a couple months.

MR. VAN LEEUWEN: And we take the next party that comes into this area we'll do the same thing, clean it up, that's our job.

MR. ARGENIO: I want to read this to you, Mr. Dendy, on the fire approval it says you need a fire hydrant on the south side of the property, you need to indicate the fire connection on the building, the term fire box is incorrect, you need to ensure that the dumpster and its enclosure does not encroach into the south fire lane. Now this doesn't mean that it does encroach, you just need to make sure it doesn't. What about this hydrant?

MR. EDSALL: I don't have those comments or if I do, I didn't bring them with me.

MR. ARGENIO: Have you been to visit the fire inspector on this application?

MR. DENDY: I don't think we circulated because I think the applicant submitted to the building department,

that's where it stopped at that point.

MR. ARGENIO: Because this is in 2007.

MR. JOHNSON: Well, he has a plan, there's a hydrant.

MR. ARGENIO: Sir, I'm okay with it, believe me, I'm so okay with it, but he's got to sign off, he's the one when you say there's a hydrant here there's a hydrant here. The fire inspector's the guy you gotta tell that to.

MR. VAN LEEUWEN: He's got to sign off on it.

MR. ARGENIO: We do have a signoff on planning, it was returned local determination and it appears the application appears consistent with the comprehensive county-wide plan. Mark, what about the DOT? There's no changes here to this thing, can't we go forward with SEQRA on this?

MR. EDSALL: Well, I didn't say you couldn't go with SEQRA, just wanted to make it as a discussion item. Obviously, there's additional drainage going out that DOT has to review, it has been referred to DOT, unfortunately DOT and not just with you folks but for every application we send over there seems not to get back to us in a timely fashion. I would suspect that if they require anything, they'll enforce their guidelines, I don't anticipate.

MR. ARGENIO: They're not changing the entranceway.

MR. EDSALL: The entranceway is the entranceway there. From a drainage standpoint if it impacts the highway they do demand that we send it to them. They obviously can't be too concerned cause they haven't responded from a SEQRA standpoint. I suspect that that's not a significant impact so I don't know that it prohibits you from speaking to whether or not there's any reason

we couldn't move forward but I just wanted to raise the issue.

MR. ARGENIO: You agree with that?

MR. CORDISCO: Yes, certainly, they've given the Department of Transportation ample time to respond.

MR. ARGENIO: I'll accept a motion we declare negative dec.

MR. VAN LEEUWEN: So moved.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion has been made and seconded that we declare negative declaration under the SEQRA process for Ruthie's Soul Food. Roll call.

ROLL CALL

MR. GALLAGHER	AYE
MR. SCHEIBLE	AYE
MR. BROWN	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Mr. Dendy, you have a couple of things here you need to tie up, I think that Henry and Howard Brown or Henry Scheible you guys have anything here?

MR. BROWN: I don't see any lighting on here, is there any lighting?

MR. DENDY: That's correct, Howard, I think it's on sheet--

MR. SCHEIBLE: Which sheet?

MR. ARGENIO: Sheet 5.

MR. EDSALL: Just for your benefit, I did have some comments on lighting and they have adjusted the lighting plan to react to my comments.

MR. ARGENIO: Great.

MR. SCHEIBLE: Good.

MR. ARGENIO: Danny?

MR. GALLAGHER: The entrance into the restaurant is that going to be in the front side of the building?

MR. DENDY: There's three existing doors that exist presently so those will be your main in and out egress.

MR. GALLAGHER: Is there a concrete walkway from your side of the building?

MR. DENDY: This section here it's concrete.

MR. VAN LEEUWEN: On the building if he's willing to tear it down within 60 days after it opens.

MR. ARGENIO: I think Mark or Dominic I don't want to misspeak here but it seems to me that I mean I see that the direction that this is going and I think you guys can see the direction that you're going, but I think there's some things you need to shape up here. I think that public hearing's been waived, we need to hear from the, you need to get a current comment from the fire inspector, the town fire inspector but I don't think that this board has any real substantial issues but we typically do not give an approval subject to, start at square one with the fire inspector and work through that.

MR. DENDY: I can speak quickly to that, I'm assuming that the letter because it was a full cycle buildout at

the time that maybe where that initial comment letter is coming from but I agree it should be circulated back.

MR. EDSALL: Well, Mr. Chairman, their comments were the hydrant and the fire department connection. If you make it subject to them complying with the requirements, the worst case is you do do those, if you convince them that the fire department connection is adequate and you don't need a hydrant then so be it. At least we have two defined issues that they can only work down from if the fire inspector's okay.

MR. CORDISCO: If the absence of that, Mr. Chairman, I would recommend that the board obtain from the applicant an extension of the default approval timeline which is 62 days given that the public hearing has been closed and you have now taken action under SEQRA that clock is starting to tick and it may take you some time to accomplish that. So if the board is not comfortable with granting a conditional approval tonight then those timeframes have to be extended or the board has to actually decline the application which I think is something that no one wants to do.

MR. ARGENIO: No.

MR. VAN LEEUWEN: No.

MR. JOHNSON: Well, the fire department chief has asked me several times to tear the building down, he does have the prints but he has asked me several times that he will sign off on me tearing it down.

MR. ARGENIO: Yes, the building coming down has nothing to do with the fire department discussion. What it does have to do with the fire department discussion is the fact that there's a hydrant within reasonable proximity of, fire lanes are wide enough, that sort of thing that those folks have expertise in this, they

typically look at it. I don't disagree with you, Mark, that it's the only real thing there is the hydrant, I mean the term fire box is incorrect, that's nickel-dime stuff.

MR. VAN LEEUWEN: Motion subject to fire people's okay.

MR. ARGENIO: How are you guys with that?

MR. SCHEIBLE: I would still like to see fire department's advice before we make a final.

MR. ARGENIO: I think I tend to agree. Danny, what are your thoughts on that?

MR. GALLAGHER: That's all we're really waiting on, it's a minor clean-up, it's fire, right?

MR. ARGENIO: We, yeah, and as I said, typically we like to have that disposed of before we get to this point.

MR. GALLAGHER: I can go along with that, I agree.

MR. ARGENIO: Here's what we're going to do. Go meet with fire, get yourself squared away with the firemen. If you can get squared away with them, we'll put you on the next agenda, I'll see to it that that gets done and I hope you can see the direction this is going, we just gotta get that cleaned up. We've already arrived at and an agreement with the building, the building has to be demolished, get yourself squared away with those folks, go meet with them and Mr. Dendy, I give you my word I'll put you on the next agenda regardless how full but make sure you contact Nicole on time and we'll get you on and get you selling chitlins and southern food and whatever else it is you have there.

MR. JOHNSON: He has my paperwork and he has my letter what the hydrant wasn't part of what we had discussed

but I'll talk with him about that.

MR. ARGENIO: Meet with him and we'll get you squared away and get you going.

MR. DENDY: Just to add to that whatever are the clean-up items.

MR. ARGENIO: Absolutely, yes.

MR. CORDISCO: Mr. Chairman, I would still request that the applicant would actually waive the timeframes because if for whatever reason it takes longer than coming back before the next meeting.

MR. DENDY: We'll do so.

MR. ARGENIO: Mr. Dendy's acknowledged he'll agree with that. Okay, guys, thank you very much, it's done.

DISCUSSION

MR. ARGENIO: Next item is Price Chopper. Mark is going to bring up the discussion item of Price Chopper. After we talk about that then I'll leave and Henry Van Leeuwen can beat me up when I'm not here. Mark, what do you have for Price Chopper?

MR. EDSALL: Actually, I've got, I circulated a two sided 11 x 17 sheet and a color copy of a proposed sign layout, these are pursuant to an appearance at the workshop. The applicant came in and is looking as it was explained at the workshop to add two monument signs. It was clear that the area of the signs required ZBA action. The building inspector referred it to the ZBA for consideration. The thought was that we would find out from the planning board if they believe that the construction of two consolidated monument signs warrant a site plan amendment or not, that was the intent. But I want to add some new information that Jen shared with me tonight that in fact the applicant when they appeared at the ZBA the stories changed a bit, they want to add these two signs but apparently they're looking to continue the existence of three additional existing signs which would mean that they want to have five signs. There may be some, in discussing it with Jen, there may be some validity in having the specific signs for the bank since they were kind of a freestanding building and not part of the overall mall complex but that really is an issue that the planning board can discuss and maybe obviously the Zoning Board is going to tackle but I'm a little perplexed as to why we went from two what I thought were very visually appealing monument signs to now five but--

MR. ARGENIO: Mark, why do they want, why do they want them in addition to? And if they're trying to clean the place up, why do they want them in addition to and not in lieu of?

MR. EDSALL: I'm a little lost on that, like I said, I could understand if they wanted to keep the freestanding sign for the bank inasmuch as it's a freestanding building.

MR. ARGENIO: It's lighted, isn't it?

MR. EDSALL: But it's a freestanding building, kind of has its own presence.

MR. ARGENIO: Understood.

MR. EDSALL: But the fact that you've got an example of Advanced Auto which is part of the same structure as Price Chopper kind of perplexing why they wouldn't want to combine the signs. So I guess I pose it to you now that the ZBA has undertaken a review, there's really an issues, one, do you feel that this rises to the level of a site plan amendment and even if you say fine, we don't want to deal with the site plan amendment, let the Zoning Board deal with it and the building inspector deal with it, do you care to share any opinions from a planning standpoint that perhaps could be sent over to the Zoning Board that would at least help them?

MR. ARGENIO: I will go around the room but I'm going to tell you my, the only thing I would be concerned about is sight distance.

MR. EDSALL: Well, I would, and I apologize, that's one update I did say to them that we ran into a problem with the sign opposite Wendy's that serves the Shop Rite, very similar type sign, Mike Babcock and I warned them that the town has a sign performance standard, obviously you can put it anyplace on your property but it blocks, if it blocks sight distance for vehicles, that's your problem, you tear it down and do it again. I pointed that out to them and suggested that they

consider having the sign base altered so that it's actually on two stone peers or columns which will allow you to look under the sign, similar to what Shop Rite ended up doing. I'm now told that they have amended their detail with the Zoning Board to take into account that safety issue. So that has been addressed and Nicole's nodding that she must of heard that at the meeting but we still have the issue of--

MR. ARGENIO: So why do we have that picture?

MR. EDSALL: That was the one that came to the workshop and I pointed that out so again, that's if you require a site plan amendment you'll get the latest information if you care to refer it to the building inspector to deal with it, if they're successful with the Zoning Board, fine, if you want to make an opinion on the record to share with the ZBA, that's what I'm bringing your attention to.

MR. ARGENIO: Henry and Howard, your thoughts?

MR. SCHEIBLE: I've been looking at that one here so this one has been thrown out?

MR. EDSALL: Basically what they've done is pursuant to my discussion at the workshop it's going to be the same appearance just going to take this and make this the stone columns and piers and they have some room and still comply with the code so you'll be able to look under.

MR. SCHEIBLE: Be able to look under would be fine but more than two signs, you know what, you're just saying they want to keep the other signs for a total of about five that could happen right here, that's going to make it look like 42nd Street in New York City, the signs up and down blinking but I don't want to see that, we want to keep our--

MR. ARGENIO: Howard? Hometown look.

MR. BROWN: Yeah, I agree with Henry on that reasoning.

MR. ARGENIO: Danny?

MR. GALLAGHER: I do like the new look of the signs but I think it's probably in excess having the other sign right there.

MR. ARGENIO: Henry?

MR. VAN LEEUWEN: I would like to look at it further.

MS. JULIAN: The reason why they don't want to ask the tenants to take the three signs down they're paying their rent, the other tenants aren't.

MR. ARGENIO: Say that again.

MS. JULIAN: Advanced Auto Zone, the bank and I think it's Allstate are paying their rent. All the other stores are behind on their rent. They don't want to make a disturbance if they ask them to take the signs down.

MR. ARGENIO: Can we do this, Mark, can I table this? I'd like to table this and everybody go take a look at the place and we'll revisit at the next meeting, please. That's what I want to do.

MR. EDSALL: In the interim and I'm not quite sure what the Zoning Board's schedule is when they're going to look at this next.

MR. ARGENIO: Mr. Bedetti, go ahead.

MR. BEDETTI: I was going to relate what I was going to say now to Jen and let Jen do it but anyway the zoning

board told them at the meeting go back and lose those other three signs and we'll consider the new proposal. I think there was some question about them, they pushed the height a little bit too, I think they're slightly--

MR. EDSALL: They're just under.

MR. BEDETTI: But that's a minor issue.

MR. EDSALL: They're just under 12 foot and I think they can go to 15 so they claim they can make it work.

MR. ARGENIO: I was at that meeting, Mr. Bedetti, but I have to confess I wasn't paying real close attention so you guys told them to lose the existing signs.

MR. BEDETTI: Yes, and they said that they would have to go back and confer with those three people that had those other signs, they may risk losing putting up the two new signs, either that or there's going to be a proliferation of signs.

MR. ARGENIO: Tell you what they're proposing here in my mind is aesthetically pleasing but I don't disagree with Henry Scheible or the other members who said essentially we don't want the place littered with signs. Henry, go ahead.

MR. VAN LEEUWEN: The only thing is I wouldn't want to give the tenant a reason not to pay if they take the signs, those three signs down.

MR. ARGENIO: Cause we don't need a vacant plaza.

MR. VAN LEEUWEN: Not only that, I don't want to hurt the guy financially, I don't know him personally, I know who he is, that's about it, but I don't want to see him hurt financially.

MR. SCHEIBLE: My mind's not going to be made up

because of an in-house situation that they're having.

MR. GALLAGHER: What's he saying he's not going to put their names on the new sign?

MS. GALLAGHER: The building department when we looked at this, those three signs, those occupants are on this sign, if you see it, Allstate, the auto parts store, they're all on this proposed sign.

MR. ARGENIO: Money issue, Mr. Bedetti is kind of correct, he's correct and Henry Scheible's correct that the money is not the driving issue here but let's table this thing, everybody go take a look and we'll visit it at the next meeting and we'll all be able to intelligently comment on it.

MR. EDSALL: What I would suggest you do is it's perfect what you're saying but I would authorize the secretary to share the minutes from this discussion with the ZBA so that both your first reviews seem to be heading in the same direction so they understand that it would be helpful I'm sure to the ZBA to know that.

MR. ARGENIO: You're authorized to do that.

MR. CORDISCO: That way they just don't hear silence.

MR. ARGENIO: We'll talk about that at the next meeting.

MR. EDSALL: Thank you for your time.

OAKWOOD_TERRACE

MS. GALLAGHER: Oakwood Terrace the condos they gave Frank Lisi a call, they want to add/move their handicapped spaces that exist now. I don't know if you want them to draw up a site plan, they do not have an existing.

MR. ARGENIO: Why?

MS. GALLAGHER: People are complaining that there's not enough, that they're not in the right spots, they're giving them a hard time so they want to add more.

MR. ARGENIO: Okay, so?

MS. GALLAGHER: They don't have a site plan, we really don't want to make them have to get a site plan, we'd like to handle it in our department and with Mark.

MR. ARGENIO: I don't see any reason why that can't be done.

MR. EDSALL: Merely ask that they provide 9 x 19 spaces for regular vehicles and code compliance spaces for handicapped.

MR. ARGENIO: Perfectly reasonable request.

ARGENIO_BROTHERS_(09-31)

MR. ARGENIO: Next is Argenio Brothers. I'm out.

(Whereupon, Mr. Argenio left the room and Mr. Van Leeuwen took over as chairman for this proposal.)

MR. ELY: Good evening, my name is Jordan Ely and I'm here to represent the site plan application modification for Argenio Brothers. Our site is located on Argenio Drive, just off Ruscutti Road. And just to get orientation to the north of our site is the concrete plant, to the south is an abandoned trucking terminal and to our east is the Tilcon's asphalt plant and to the west is the railroad tracks and then followed by Route 32. We're proposing two modifications on this site plan. One is the addition of a 30, just over 3,400 square foot single story addition with a full basement for office space. Our current building is very dated and we need to provide some more office space, more clerical space and a place for storage of contract documents. The location of the addition is currently an impervious paved surface and a concrete pad in one location. There's an existing full island which we'll be removing in accordance with DEC standards, we don't feel there will be any adverse impact to the drainage and no clearing will be required in that area. The second part of our modification is the addition, the installation of a pole barn approximately 7,200 square feet which is adjacent to an access road that services our recycling facility. We own the access road and the property on the other side of the access road. That also is an impervious paved surface where we currently store pipe materials, traffic barrels, signs, some castings and we would like to be able to cover that and get that out of the, materials out of the elements for preservation. So that's the sort of the second change to the site plan.

MR. VAN LEEUWEN: Excuse me, so most of the stuff it's

just going to be for storage?

MR. ELY: In terms of the pole barn, yes, it's storage for like I said, traffic barrels, signs, pipe, construction material, surplus pipe that we bring in from jobs that still has a useful life, protect it from being out underneath the snow and a lot of the pipe products get affected by the UV so it will help protect those and again, no clearing in that area and we don't feel there's going to be any impact to drainage for the, after the installation of that pole barn facility.

MR. VAN LEEUWEN: The pole barn is going to be totally enclosed, it's not going to be open at one end or anything like that?

MR. ELY: We actually don't--

MR. SCHEIBLE: Not a drive-in type of, I've seen pole barns one side open.

MR. ELY: Well, we certainly will have openings to be able to back trucks in to unload and load materials certainly.

MR. VAN LEEUWEN: In other words what he's saying is there going to be doors in front of that building or is there going to be no doors?

MR. ELY: That really hasn't been decided at this point to be honest with you, I think we haven't got our final plans done on the pole barn facility at this time.

MR. EDSALL: It's more of a code compliance issue when the building plans are reviewed, speaking with the applicant at the workshop, they indicated that whatever the code will permit if they can enclose portions they may wish to but if the code doesn't allow it they'll leave it open.

MR. ELY: Correct.

MR. SCHEIBLE: There's plenty of room for what's being worked on here.

MR. VAN LEEUWEN: Howard, do you have anything to add?

MR. BROWN: Any flammable material being stored in that?

MR. ELY: No, sir, I mean again mostly plastic pipes, some castings, traffic barrels, signage, ductile iron water pipe.

MR. BROWN: Construction type material?

MR. ELY: Yeah, we may have geo-textile fabrics which I guess you could consider that to be flammable but no oils, no gasolines, no materials like that.

MR. BROWN: No chemicals.

MR. VAN LEEUWEN: Danny, do you have anything?

MR. GALLAGHER: No, he has parking currently already there. Is the parking going to be affected by the new office?

MR. VAN LEEUWEN: He's got more parking than he needs.

MR. ELY: Like I said, the office space where the proposed office is proposed is really is over an existing fuel station which will be removed and you can see we do have parking along the edge.

MR. GALLAGHER: Yeah, I just noticed those.

MR. EDSALL: Mr. Chairman, can I comment on the parking?

MR. VAN LEEUWEN: Sure.

MR. EDSALL: There's a, here, Jordan, here's some comments, the parking calculation does need a bit of a fix because the code actually currently is one per 150 for office, not one per 200 but they're for the garage bay they're actually assigning parking spaces to it. On previous applications, the most recent I believe was the United Rental on Route 32 just up the road when the garage or the bay is for the exclusive use of maintenance of the operations on equipment, it's not considered a bay, it's just considered vehicle maintenance for your own business. So that's going to those four spaces kind of go away but then the one per 150 will bump some up, clearly he's got more room than he could ever need for parking so Bill Hildreth would just need to put that on the final plan but that's not an issue, just a correction.

MR. VAN LEEUWEN: I don't see any issues here.

MR. ELY: One other thing just looking at Mark's comments just scanning through them we were before the zoning board two nights ago and were granted the variances.

MR. VAN LEEUWEN: Monday night.

MR. ELY: Monday night, correct, for the pole barn for its proximity to the property line and building height issue for the office space.

MR. VAN LEEUWEN: How high is that going to be? Is that two stories?

MR. ELY: It's a single story, Mr. Chairman, we're working with the architect to try to come up with an aesthetically pleasing building facade with a nice front to try to spruce the area up, the exact height of that has yet to be determined but we were granted a

variance which we'll certainly be under that variance on the proposed building height.

MR. VAN LEEUWEN: Anybody else have anything?

MR. CORDISCO: Yes, actually, the application had to be referred to the County Planning Department and for both this application and the zoning board, it's my understanding that there was a joint referral that was made to the county so that it wouldn't have to go twice. Did the county ever respond?

MS. JULIAN: All of the paperwork was not done correctly cause they decided to put the pole barn in at the preliminary meeting for zoning so we had to re-do the application, it was faxed over today, Todd Cohen is looking at it and he said he could get something to me hopefully by next week.

MR. VAN LEEUWEN: Can I have a motion for lead agency?

MR. SCHEIBLE: So moved.

MR. BROWN: Second it.

MR. VAN LEEUWEN: Motion made and seconded for lead agency. Roll call.

ROLL CALL

MR. GALLAGHER	AYE
MR. SCHEIBLE	AYE
MR. BROWN	AYE
MR. VAN LEEUWEN	AYE

MR. VAN LEEUWEN: Do we need a public hearing on this?

MR. GALLAGHER: I don't believe so, we waived it across the street for a restaurant, this is more industrial.

MR. SCHEIBLE: Something that's been there for 100 years now.

MR. BROWN: Second it.

ROLL CALL

MR. GALLAGHER	AYE
MR. SCHEIBLE	AYE
MR. BROWN	AYE
MR. VAN LEEUWEN	AYE

MR. CORDISCO: I think that's about the only action that we can take tonight.

MR. VAN LEEUWEN: I was just going to say that because it has to go to the county for 30 days which I hate to do but we have no choice.

MR. CORDISCO: If Mr. Cohen does respond next week then I'm sure it could be placed on the next available agenda and it can be considered that night but it would be in error to take action prior.

MR. VAN LEEUWEN: I know that. So the secretary has agreed to send that to the county. And anybody have any further questions? Can I have a motion to adjourn?

MR. GALLAGHER: So moved.

MR. SCHEIBLE: Seconded it.

ROLL CALL

MR. GALLAGHER	AYE
MR. SCHEIBLE	AYE
MR. BROWN	AYE

January 13, 2010

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MR. VAN LEEUWEN AYE

Respectfully Submitted By:

Frances Roth
Stenographer

